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NEW LAWS HELP ASSOCIATIONS COLLECT OVERDUE FEES

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Of all the laws that were implemented when Florida Senate Bill 1196 went into effect July 1, the biggest impact has stemmed from legislation that allows condo boards and associations to collect payments directly from tenants who are renting from delinquent unit owners.

"There's been a ton of changes," said **Dennis Eisinger, an attorney for Eisinger, Brown, Lewis, Frankel, Chalet & Krut,** a law firm that represents more than 500 community associations in South Florida. "To me, this was the biggest and the most effective of all the changes in the bill. It gives communities the right to recoup losses."

Under the new legislation, condo boards have the authority to collect from a unit owner's tenant if the owner has fallen behind on his association fees.

"We have a number of associations saying they are getting money as a result of the bill," Eisinger said. "For the first month, I'd say it was successful. We'll see down the road how it works."

Joaquin Alvarez, a property manager for Atlas Property Management Services, which manages condo and homeowner associations around South Florida, said the new law has impacted his communities for the better.

"For us, it's been very successful," Alvarez said. "We're getting numerous calls from not only the owners, but from tenants concerned about the associations evicting them prior to getting notices."

The law that was implemented July 1 specifies that the owner must be delinquent for at least 90 days before associations can start collecting money from the renter. But Eisinger said he recommends his clients not wait until October to file a claim. He said that if a unit owner has been delinquent for 90 days as of July 1, associations should start the process immediately.

Eisinger has been advising clients to send out formal letters to let owners and renters know about the new law and how it could affect them. If no fees are paid after all parties have

been notified, the tenant can be evicted.

"This isn't a great remedy and it doesn't fix all, but it does help a lot," Eisinger said.

Also contained in SB 1196 is a provision that gives associations the right to ban delinquent owners from using facilities on the property. However, Eisinger said this authority could backfire if it is not implemented properly.

"While that law was very well-intended, it's going to lead to aggressive behavior," he said. "There

have already been alleged reports of fights."

To avoid confrontations, Eisinger suggests communities change access cards to facilities and require that delinquent owners enter through the visitor's gate.

As a result of the new laws, Alvarez said owners are increasingly likely to pay maintenance and association fees on time.

"Once they've received that letter, they're returning phone calls and making arrangements with the associations to pay their dues," he said.